

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: KVITNITSKY1A

In re Application of:)	Conf. No.: 5965
)	
Emma KVITNITSKY et al)	Art Unit:
)	
Appln. No.: 10/553,757)	Examiner:
)	
Filed:)	Washington, D.C.
)	
For: STABILIZED DERIVATIVES)	October 6, 2006
OF ASCORBIC ACID)	

PETITION UNDER 37 C.F.R. §1.47(a)

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Petition
401 Dulany Street
Alexandria, VA 22314

Sir:

Pursuant to 37 C.F.R. §1.47(a), applicants hereby petition for acceptance of the present application without the signature of an inventor who refuses to join in the application. Attached hereto is a declaration of the other inventors on behalf of themselves and the non-signing inventor.

10/12/2006 LLANDGRA 00000008 10553757

02 FC:1463

200.00 DP

STATEMENT OF FACTS INVOLVED

On February 22, 2006, an envelope was deposited as registered mail no. RA 178712911 IL at an Israeli post office branch in the "Poleg" Industrial Area, Netanya, Israel, addressed to Vladimir Babtsov, 45/2 Menachem Begin Street,

In re of Appln. No. 10/553,757

Kiryat Shmona 11631. (See the accompanying Declaration of Beverly Benaroya.)

This registered mail envelope contained a letter dated February 21, 2006, from Beverly Benaroya to Vladimir Babtsov, stating that attached to that letter were a Combined Declaration for Patent Application and Power of Attorney, assignment forms and a patent. Also enclosed in this envelope was an undated letter of Ron Folman, the CEO of Tagra Biotechnologies Ltd, stating that it was accompanied by a copy of PCT application WO 2004/094369, a Combined Declaration and Power of Attorney form for the U.S. application and the assignment forms for the U.S. and Canadian applications. This letter requested Mr. Babtsov to either sign the forms or to indicate that he was unwilling to sign the declaration and assignment forms. (See the accompanying Declaration of Beverly Benaroya and Declaration of Ron Folman.)

The registered mail was accompanied by a return receipt postcard (see accompanying declaration of Beverly Benaroya).

The postcard was returned on March 10, 2006, signed by a postal officer from the Kiryat Shmona branch of the Israeli Postal Authority indicating that the registered mail numbered RA 178712911 IL, sent to Vladimir Babtsov, had not been collected by the addressee and thus was not handed to him. The entire envelope was also returned with a stamp indicating that the registered mail had not been collected by

the addressee (see the accompanying declaration of Beverly Benaroya).

Prior to preparing his letter that was sent by Beverly Benaroya on February 22, 2006, Ron Folman had spoken directly to Mr. Vladimir Babtsov by telephone about this application. While he does not have a record of the exact dates of these telephone conversations, he recalls that they were a few days apart, within a time period of about a month prior to the letter mailed February 22, 2006. (See the accompanying Declaration of Ron Folman.)

In these telephone conversations Mr. Folman requested Mr. Babtsov to sign the appropriate documents for filing of the above-identified patent application. Mr. Babtsov advised Mr. Folman that he refused to do so. The major reason given by Vladimir Babtsov was that he no longer had any interest in this venture (or any of the Tagra patents with which he was previously involved) and therefore he did not wish to be a part of this application in any way. (See the accompanying Declaration of Ron Folman.)

POINTS TO BE REVIEWED AND ACTION REQUESTED

As the accompanying evidence establishes that Vladimir Babtsov refuses to execute the present application and all of the requirements of 37 C.F.R. §1.47(a) have been complied with, it is requested that the present application be accepted as having been made by the other inventors on behalf

of themselves and the omitted inventor in accordance with 35 U.S.C. §116 and 37 C.F.R. §1.47(a).

MEMORANDUM IN SUPPORT

37 C.F.R. §1.47(a) provides that if a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the non-signing inventor. The declaration must be accompanied by a petition, including proof of the pertinent facts, the fee set forth in §1.17(g), and the last known address of the non-signing inventor.

A declaration signed by the three other inventors on their behalf and on behalf of the non-signing inventor is filed on even date herewith, along with an authorization to pay the fee required by 37 C.F.R. §1.17(g). Also filed herewith is a Declaration of Beverly Benaroya and a Declaration of Ron Folman, setting forth the relevant facts and submitting the relevant documentary evidence. The Declaration of Mr. Ron Folman, CEO of Tagra Biotechnologies Ltd, establishes that Mr. Babtsov had previously refused to sign the necessary documents for the present national phase application. Nevertheless, all of the necessary documents, including the entire PCT application and the combined declaration and power of attorney for his signature were sent to him by registered mail, return receipt requested, on February 22, 2006 (see the accompanying Benaroya declaration).

This registered letter was never picked up by Mr. Babtsov at the post office, thus evidencing his refusal to receive registered mail from Tagra Biotechnologies Ltd.

All of the above facts, as evidenced by the Folman declaration, the Benaroya declaration, and the accompanying exhibits, establishes that the actions of Mr. Babtsov constitute a refusal. Accordingly, this petition should be granted.

As indicated in the attached declaration by the three other inventors, Mr. Babtsov's last known post office address and residence were at 45/2 Menachem Begin Street, Kiryat Shmona 11631, Israel.


CONCLUSION

As all of the requirements of 37 C.F.R. §1.47(a) have been met, granting of this petition and acceptance of the present application are earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



Roger L. Browdy
Registration No. 25,618

RLB:rd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: KVITNITSKY1A

In re Application of:)	Conf. No.: 5965
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Emma KVITNITSKY et al)	Art Unit:
)	
Appln. No.: 10/553,757)	Examiner:
)	
Filed:)	Washington, D.C.
)	
For: STABILIZED DERIVATIVES)	September 4, 2006
OF ASCORBIC ACID)	

DECLARATION OF BEVERLY BENAROYA

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Petition
401 Dulany Street
Alexandria, VA 22314

Sir:

I, the undersigned Beverly Benaroya, hereby declare
and state as follows:

I am employed by Tagra Biotechnologies Ltd. (Tagra)
as secretary to Mr. Ron Folman, who is the CEO (Chief
Executive Officer) of Tagra.

On February 21, 2006, I prepared a number of
documents to be sent by registered mail to Mr. Vladimir
Babtsov. Submitted herewith as Exhibit 1 is a copy of my
letter dated February 21, 2006, to Mr. Babtsov, which letter
was included in the registered mail envelope.

Submitted herewith as Exhibit 2 is a copy of an undated letter of Ron Folman to Mr. Vladimir Babtsov. This letter was also included in the registered mail envelope.

I also included in this registered mail envelope a copy of the PCT application WO 2004/094369, a Combined Declaration for Patent Application and Power of Attorney form for the U.S. application, an assignment form for the U.S. application and an assignment form for the corresponding Canadian application.

I caused this registered mail envelope to be taken to the local post office branch in the "Peleg" Industrial Area of Netanya where Tagra is located. Submitted herewith as Exhibit 3 is a copy of the registered mail receipt that was issued by the Israeli Postal Authority upon receipt of this envelope. Words written in English thereon were subsequently added to explain the Hebrew words in this receipt. I am familiar with the Hebrew and English languages and I can confirm that these characterizations are accurate. The name and address of addressee translates as: Vladimir Babtsov, 45/2 Menachem Begin, Kiryat Shmona 11631.

Submitted herewith as Exhibit 4 is a photocopy of the return receipt postcard that accompanied the registered mail. The English writing was added to the photocopy to explain the Hebrew wording on the card, and I can confirm that

this explanation is accurate. The return address on this postcard translates to: Efal Chemical Industries Ltd., POB 8213, Poleg Industrial Area, Netanya 42293. Tagra Biotechnologies Ltd. is a subsidiary of Efal Chemical Industries Ltd. Note that the address for Efal is the same as that for Tagra on the letterhead appearing on Exhibits 1 and 2.

Subsequently, the registered mail envelope and the return receipt postcard were returned to me. Submitted herewith as Exhibit 5 is a copy of the rear of the postal receipt. As with Exhibits 3 and 4, the English explanation was added to the photocopy to explain the Hebrew wording on the card, and I can confirm that this explanation is accurate. The card indicates that the registered mail had not been collected by the addressee.

Submitted herewith as Exhibit 6 is a photocopy of the envelope as returned. Again, the English language writing thereon was subsequently added to explain the Hebrew markings and I hereby confirm that these explanations are correct. It can be seen that these markings confirm that the registered mail was not collected by the addressee from the post office branch in Kiryat Shmona.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements

made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

30TH August 2006.
Date

B. Benaroya
Beverly Benaroya

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:)	Conf. No.: 5965
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Emma KVITNITSKY et al)	Art Unit:
)	
Appln. No.: 10/553,757)	Examiner:
)	
Filed:)	Washington, D.C.
)	
For: STABILIZED DERIVATIVES)	September 18, 2006
OF ASCORBIC ACID)	

DECLARATION OF RON FOLMAN

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Petition
401 Dulany Street
Alexandria, VA 22314

Sir:

I, the undersigned Ron Folman, hereby declare and state as follows:

I am CEO (Chief Executive Officer) of Tagra Biotechnologies Ltd. (Tagra).

On February 21, 2006, my secretary prepared a number of documents to be sent by registered mail to Mr. Vladimir Babtsov. Among them was a letter from me to Mr. Vladimir Babtsov, a copy of which is submitted herewith as Exhibit 2. This letter bears my signature.


Prior to preparing that letter, I had spoken directly to Mr. Vladimir Babtsov by telephone about this

application. I do not have a record of the exact dates of these telephone conversations, but I recall that they were a few days apart, within a time period of about a month prior to sending my letter (Exhibit 2), sent February 21, 2006.

In these telephone conversations I requested Mr. Babtsov to sign the appropriate documents for filing of the above-identified patent application. Mr. Babtsov advised me that he refused to do so. The major reason given by Vladimir Babtsov was that he no longer had any interest in this venture (or any of the Tagra patents with which he was previously involved) and therefore he did not wish to be a part of this application in any way.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SEPTEMBER 20, 2006
Date


Ron Folman



Tagra Biotechnologies Ltd.

8, Hamlacha Street, POB 8213,
South Ind. Zone, Netanya 42293, Israel
Tel: 972-9-8656454 Fax: 972-9-8654278
e-mail: tagra@efal.com web: www.tagra.com

21st February 2006

Mr. Vladimir Babstov
45/2 Menachem Begin Street
Kiryat Shoma
116312
Israel

Dear Vladimir

Should you wish to sign – please return these document to:

Melanie Davidson
Ben Ami
P O Box 94
Rehovot
76100
Israel

Attached for signature:

Combined Declaration for Patent Application and Power of Attorney

Page Two: signature and date next to your name

Assignment

Date and signature next to Number (3) at end of page only

Assignment

Signed on date

At (City) & (Country)

Your Signature

Please sign in the presence of a witness:

Name of Witness

And signature of Witness

Patent – Field of Invention enclosed for your records.

Should you have any queries – please do not hesitate to contact me.

Thank you.

Best Regards,
Bev Benaroya
For: Ron Folman
CEO



Tagra Biotechnologies Ltd.

8, HamlaCha Street, POB 8213,

South Ind. Zone, Netanya 42293, Israel

Tel: 972-9-8656454 Fax: 972-9-8654278

e-mail: tagra@efal.com web: www.tagra.com

By registered mail

Mr. Vladimir Babtsov
45/2 Menachem Begin Street
Kiryat Shmona
11631, Israel

**Re: United States Patent Application
National Phase of PCT/IL2004/000343 (WO 2004/094369)
in the name of Tagra Biotechnologies Ltd.
Title: "Stabilized Derivatives of Ascorbic Acid"**

Dear Vladimir,

We refer to the above-identified PCT application and to your previous refusal to sign the necessary documents for the national phase applications and, in particular, to sign the Combined Declaration and Power of Attorney form for the US application and the assignment forms for the US and Canadian applications assigning your rights, title and interest in the applications to Tagra Biotechnologies Ltd.

We are sending you, by registered mail, a copy of the PCT application WO 2004/094369, a Combined Declaration and Power of Attorney form for the US application, and the assignment forms for the US and Canadian applications.

We hope that in the meantime you have reconsidered your position and will be ready to sign these documents in order to permit us to complete the files of the applications in the US and in Canada. In this case, kindly sign the documents as follows: In the Combined Declaration and Power of Attorney form, please sign and date in the same line where your name appears; in the assignment form for the US, please sign and date at the bottom in the row of number (3); and in the Canadian assignment, please date and sign at the bottom above your name in the presence of a witness that has also to date and sign (the witness may be a person of the family). Please return the signed documents by registered mail.

If you are still unwilling to sign the documents, we request that you return this letter marked with the option "I will not sign the Declaration and the Assignment" noted below, together with the unsigned forms, by registered mail.

We hope you understand the seriousness of the situation and look forward to receiving the signed documents or your response as soon as possible.

Kind regards.

Ron Folman

A handwritten signature in black ink, appearing to be "Ron" followed by a stylized surname.

☐ I will not sign the Declaration and the Assignment forms

Vladimir Babstov

Date:

ISRAELI
POSTAL
AUTHORITY

name &
address of
addressee

Stamp of the
post office
branch in
"Polg" Industrial

Dated 22/02/06 13:46

רשות הדואר

RA178712911 IE

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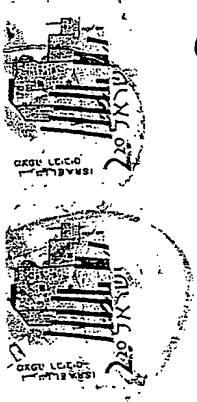
Israeli
postal authority

Name & address of EFAI CHEMICAL INDUSTRIES LTD,
to which the registered mail delivery confirmation
should be sent after it has been received by the
addressee.

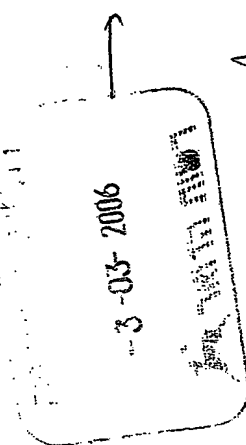
רש"מ המל"גה 8, יו.
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 42293
 -885-6454, 705
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 דואר אלקטרוני: יו



Part of the address, telephone & facsimile numbers
 LTD, as appear in document #1,
 of TARA



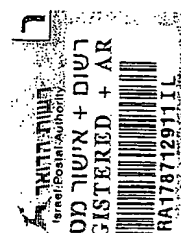
(5)



a stamp of the post office branch either in Kiryat Shmona
 or in "Poleg" Industrial Area, Netanya, dated March 3rd, 2006.

31000
 45/2
 11631
 31000
 11631
 45/2
 31000
 11631
 45/2

→ Name & address of the addressee.



a stamp made by the post office branch in Kiryat Shmona,
 indicating that the registered mail was not collected
 by the addressee.

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